

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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USDC Docket Number : 05-cv-11614

John Hancock Life Insurance Company

v.

Vestmont Limited Partnership, et al

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**CLERK'S CERTIFICATE**

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-107

and contained in Volume(s) I-VI are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 6/29/2006.

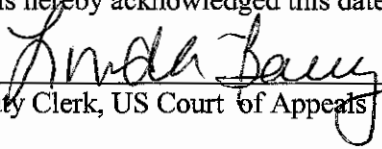
In testimony whereof, I hereunto set my hand and affix the seal of this Court on July 6, 2006.

Sarah A. Thornton, Clerk of Court

By: 

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 7-7-06.

  
Deputy Clerk, US Court of Appeals

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Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:05-cv-11614-WGY**

John Hancock Life Insurance Company v.  
Vestmont Limited Partnership et al  
Assigned to: Judge William G. Young  
Related Case: 1:06-cv-11160-WGY  
Cause: 28:1332 Diversity-Contract Dispute

Date Filed: 08/03/2005  
Jury Demand: Defendant  
Nature of Suit: 190 Contract:  
Other  
Jurisdiction: Diversity

**Plaintiff**

**John Hancock Life Insurance  
Company**

represented by **Brian A. Davis**  
Choate, Hall & Stewart  
Two International Place  
100-150 Oliver Street  
Boston, MA 02110  
617-248-5000  
Fax: 617-248-4000  
Email: BDavis@choate.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Elizabeth A. Castellani**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Vestmont Limited Partnership** represented by **Brian J. McCormick, Jr.**  
Buchanan Ingersoll PC  
1835 Market Street  
14th Floor  
Philadelphia, PA 19103  
US  
215-665-8700  
Fax: 215-665-8760  
Email: mccormickbj@bipc.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**C. Randolph Ross**  
Buchanan Ingersoll PC

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Fax: 215-665-8760  
*LEAD ATTORNEY*  
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**Howard D. Scher**  
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215-665-8700  
Fax: 215-665-8760  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert D. Hillman**  
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DeRensis, Holland & Drachman  
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13th, floor  
Boston, MA 02110-1213  
617-951-2300  
Fax: 617-951-2323  
Email: rdh@dwbboston.com  
*LEAD ATTORNEY*

**Defendant**

**Vestmont Limited Partnership  
II**

represented by **Brian J. McCormick, Jr.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**C. Randolph Ross**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Howard D. Scher**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert D. Hillman**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**Vestmont Limited Partnership  
III**

represented by **Brian J. McCormick, Jr.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**C. Randolph Ross**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Howard D. Scher**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert D. Hillman**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**Vesterra Corporation**  
*doing business as*  
**Montgomery Square Partnership**

represented by **Brian J. McCormick, Jr.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**C. Randolph Ross**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Howard D. Scher**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert D. Hillman**  
(See above for address)  
*LEAD ATTORNEY*

**Mediator**

**Leo Sorokin**  
*TERMINATED: 03/21/2006*

**Counter Claimant**

**Vestmont Limited Partnership** represented by **Brian J. McCormick, Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Robert D. Hillman**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Vestmont Limited Partnership II** represented by **Brian J. McCormick, Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Robert D. Hillman**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Vestmont Limited Partnership III** represented by **Brian J. McCormick, Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Robert D. Hillman**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Vesterra Corporation** represented by **Brian J. McCormick, Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Robert D. Hillman**  
(See above for address)



*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant**

**John Hancock Life Insurance Company**

represented by **Brian A. Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Lisa M. Gaulin**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Vestmont Limited Partnership**

represented by **Brian J. McCormick, Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Vestmont Limited Partnership II**

represented by **Brian J. McCormick, Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Vestmont Limited Partnership III**

represented by **Brian J. McCormick, Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Vesterra Corporation**

represented by **Brian J. McCormick, Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant**

**John Hancock Life Insurance Company**

represented by **Brian A. Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text

08/03/2005	<u>1</u>	COMPLAINT against Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation Filing fee: \$ 250, receipt number 65989, filed by John Hancock Life Insurance Company. (Attachments: # <u>1</u> Civil Cover Sheet)(Bell, Marie) (Entered: 08/04/2005)
08/03/2005		Summons Issued as to Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation. (Bell, Marie) (Entered: 08/04/2005)
08/03/2005		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Bell, Marie) (Entered: 08/04/2005)
09/06/2005	<u>2</u>	DEFENDANT'S ANSWER to Complaint with Jury Demand, COUNTERCLAIM against John Hancock Life Insurance Company by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation. (Attachments: # <u>1</u> # <u>2</u> )(Hillman, Robert) (Entered: 09/06/2005)
09/14/2005	<u>3</u>	NOTICE of Scheduling Conference Scheduling Conference set for 10/17/2005 02:00 PM in Courtroom 18 before Chief Judge William G. Young. cc/cl(Smith, Bonnie) (Entered: 09/14/2005)
09/26/2005	<u>4</u>	ANSWER to Counterclaim by John Hancock Life Insurance Company, John Hancock Life Insurance Company.(Gaulin, Lisa) (Entered: 09/26/2005)
10/04/2005		NOTICE OF RESCHEDULING Scheduling Conference reset for MON 11/14/2005 02:00 PM in Courtroom 18 before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 10/04/2005)
10/12/2005	<u>5</u>	Assented to MOTION for Leave to Appear Pro Hac Vice by Howard D. Scher, C. Randolph Ross and Brian J. McCormick, Jr. by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> )(Hillman, Robert) (Entered: 10/12/2005)
10/28/2005	<u>6</u>	Joint MOTION for Protective Order by John Hancock Life



		Insurance Company, John Hancock Life Insurance Company. (Attachments: # <u>1</u> Exhibit Stipulated Protective Order)(Gaulin, Lisa) (Entered: 10/28/2005)
11/07/2005	<u>7</u>	JOINT STATEMENT re scheduling conference. (Attachments: # <u>1</u> Exhibit Plaintiff's Rule 16.1 Certification# <u>2</u> Exhibit Defendants' Rule 16.1 Certification)(Gaulin, Lisa) (Entered: 11/07/2005)
11/14/2005	<u>8</u>	ElectronicClerk's Notes for proceedings held before Judge William G. Young : Scheduling Conference held on 11/14/2005. The Court explains the requirement of the session and inquires as to whether the parties consent to proceed before a magistrate judge. Case to go to ADR as of March, 2006. Final Pretrial Conference set for NO SOONER THAN 9/5/2006 02:00 PM before Chief Judge William G. Young. Jury Trial set for RUNNING TRIAL LIST AS OF 10/2/2006 09:00 AM before Chief Judge William G. Young. (Smith, Bonnie) (Entered: 11/15/2005)
11/29/2005	<u>8</u>	Judge William G. Young : ORDER entered. re <u>7</u> JOINT STATEMENT re scheduling conference. SO ORDERED AS MODIFIED AS THE CASE MANAGEMENT SCHEDULING ORDER. Discovery to be completed by 5/12/2006. Dispositive Motions due by 6/2/2006. cc/cl.(Bell, Marie) (Entered: 11/29/2005)
02/08/2006	<u>9</u>	MOTION to Amend <i>COUNTERCLAIM</i> by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation. (Hillman, Robert) (Entered: 02/08/2006)
02/08/2006	<u>10</u>	MEMORANDUM in Support re <u>9</u> MOTION to Amend <i>COUNTERCLAIM</i> filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vesterra Corporation. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> # <u>10</u> # <u>11</u> # <u>12</u> )(Hillman, Robert) (Entered: 02/08/2006)
02/08/2006	<u>11</u>	PLAINTIFF John Hancock Life Insurance Company's MOTION for PRELIMINARY INJUNCTIVE RELIEF Prohibiting Defendants from Disposing of Certain Assets by

		John Hancock Life Insurance Company.(Paine, Matthew) (Entered: 02/09/2006)
02/08/2006	12	PLAINTIFF'S ASSENTED MOTION to Impound Confidential Information by John Hancock Life Insurance Company.(Paine, Matthew) (Entered: 02/09/2006)
02/08/2006	13	AFFIDAVIT of John P. Ferrie in Support re 11 MOTION for Preliminary Injunctive Relief Prohibiting Defendant's from Disposing of Certain Assets filed by John Hancock Life Insurance Company. (Paine, Matthew) (Entered: 02/09/2006)
02/08/2006	14	AFFIDAVIT of Brian A. Davis in Support re 11 MOTION for Preliminary Injunctive Relief Prohibiting Defendants from Disposing of Certain Assets filed by John Hancock Life Insurance Company. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4 - Part 1# 5 Exhibit 4 - Part 2# 6 Exhibit 5# 7 Exhibit 6# 8 Exhibit 7# 9 Exhibit 8)(Paine, Matthew) (Entered: 02/09/2006)
02/08/2006	15	PLAINTIFF'S MEMORANDUM of LAW in Support re 11 MOTION for Preliminary Injunctive Relief Prohibiting Defendants from Disposing of Certain Assets filed by John Hancock Life Insurance Company. (Paine, Matthew) (Entered: 02/09/2006)
02/09/2006		Judge William G. Young : Electronic ORDER entered denying 12 Motion to Seal Document (Smith, Bonnie) (Entered: 02/09/2006)
02/13/2006	16	MEMORANDUM in Opposition re 11 MOTION for Preliminary Injunction filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation. (Attachments: # 1 # 2 # 3 # 4 # 5 # 6 # 7 # 8 # 9 # 10)(Hillman, Robert) (Entered: 02/13/2006)
02/13/2006	17	AFFIDAVIT in Support re 11 MOTION for Preliminary Injunction. (Gaulin, Lisa) (Entered: 02/13/2006)
02/14/2006		ElectronicClerk's Notes for proceedings held before Judge William G. Young : Motion Hearing held on 2/14/2006 re 11 MOTION for Preliminary Injunction filed by Plaintiff. Defendant agrees to set aside \$5,000,000 until the case can be

		resolved as long as the case gets to trial in April. If the case cannot be tried by then, the court will hold a further hearing on the motion for preliminary injunction. The case will be set for a final pretrial conference in March. Notice will issue as to the exact date. Jury Trial set for RUNNING TRIAL LIST AS OF 4/3/2006 09:00 AM before Judge William G. Young, but not the week of April 17 due to a prior commitment of plaintiff's counsel. The Court <b>ALLOWS</b> the Motion to Amend the counterclaim. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 02/14/2006)
02/16/2006	18	Amended COUNTERCLAIM against John Hancock Life Insurance Company, filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> ) (Hillman, Robert) (Entered: 02/16/2006)
02/21/2006	19	REFERRING CASE to Alternative Dispute Resolution. (Paine, Matthew) (Entered: 02/21/2006)
02/23/2006		Motions terminated: <u>9</u> MOTION to Amend COUNTERCLAIM filed by Vestmont Limited Partnership,, Vestmont Limited Partnership II,, Vestmont Limited Partnership III,, Vesterra Corporation,. See Clerk Notes for 2/14/2006 as this Motion was <b>ALLOWED</b> by the Court. (Paine, Matthew) (Entered: 02/23/2006)
02/23/2006	20	TRANSCRIPT of Proceedings held on 2/14/06 before Judge Young. Court Reporter: Womack. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at womack@megatran.com or the Clerk's Office. (Smith, Bonnie) (Entered: 02/23/2006)
02/23/2006		Filing fee: \$ 150.00, receipt number 70576 regarding <u>5</u> Assented To Motion for Admission of Attorneys Pro Hac Vice. (Paine, Matthew) (Entered: 02/23/2006)
02/23/2006		Judge William G. Young : Electronic ORDER entered granting <u>5</u> Motion for Leave to Appear Pro Hac Vice Added Howard D. Scher for Vestmont Limited Partnership III, Vesterra Corporation, C. Randolph Ross for Vestmont Limited



		Partnership III, Vesterra Corporation, Brian J. McCormick, Jr for Vestmont Limited Partnership III, Vesterra Corporation (Paine, Matthew) (Entered: 02/23/2006)
02/24/2006	<u>21</u>	ANSWER to Counterclaim by John Hancock Life Insurance Company, John Hancock Life Insurance Company, John Hancock Life Insurance Company.(Davis, Brian) (Entered: 02/24/2006)
02/28/2006	●	Electronic Notice of assignment to ADR Provider. Magistrate Judge Leo Sorokin appointed. The Court will contact counsel with regard to scheduling.(Tyler, Rebecca) (Entered: 02/28/2006)
03/01/2006	<u>22</u>	MOTION for Summary Judgment by John Hancock Life Insurance Company, John Hancock Life Insurance Company, John Hancock Life Insurance Company.(Davis, Brian) (Entered: 03/01/2006)
03/01/2006	<u>23</u>	MEMORANDUM in Support re <u>22</u> MOTION for Summary Judgment filed by John Hancock Life Insurance Company, John Hancock Life Insurance Company, John Hancock Life Insurance Company. (Davis, Brian) (Entered: 03/01/2006)
03/01/2006	<u>24</u>	AFFIDAVIT of Timothy J. Malik (Supplemental) re <u>22</u> MOTION for Summary Judgment by John Hancock Life Insurance Company, John Hancock Life Insurance Company, John Hancock Life Insurance Company. (Attachments: # <u>1</u> Exhibit A)(Davis, Brian) (Entered: 03/01/2006)
03/01/2006	<u>25</u>	STATEMENT of facts ( <i>undisputed facts</i> ) in Support of John Hancock Life Insurance Company's Motion for Summary Judgment. (Davis, Brian) (Entered: 03/01/2006)
03/02/2006	●	ELECTRONIC NOTICE of ADR Conference. Alternative Dispute Resolution Hearing set for 3/21/2006 at 09:30 AM in Courtroom 14 before Magistrate Judge Leo T. Sorokin. Counsel and principals are directed to be present and have full settlement authority. A brief mediation memoranda should be submitted no later than five (5) days prior to the mediation and marked "Confidential - Not for Docketing. In the event that you believe the case is not ripe for mediation at this time, please notify opposing counsel and the court as soon as possible. (Franklin, Yvonne) (Entered: 03/02/2006)
03/02/2006	●	NOTICE of Hearing on Motion <u>22</u> MOTION for Summary

		Judgment: Motion Hearing set for 3/16/2006 02:00 PM in Courtroom 18 before Judge William G. Young. Opposiiton is due by 3/14/06(Smith, Bonnie) (Entered: 03/02/2006)
03/14/2006	●26	MEMORANDUM in Opposition re <u>22</u> MOTION for Summary Judgment filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Attachments: # <u>1</u> Certificate of Service)(McCormick, Brian) (Entered: 03/14/2006)
03/14/2006	●27	AFFIDAVIT in Opposition re <u>22</u> MOTION for Summary Judgment filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (McCormick, Brian) (Entered: 03/14/2006)
03/14/2006	●28	AFFIDAVIT in Opposition re <u>22</u> MOTION for Summary Judgment filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (McCormick, Brian) (Entered: 03/14/2006)
03/14/2006	●29	DECLARATION re <u>26</u> Memorandum in Opposition to Motion, by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Attachments: # <u>1</u> Exhibit B to Declaration# <u>2</u> Exhibit C to F to Declaration# <u>3</u> Exhibit G to M to Declaration# <u>4</u> Exhibit N to V to Declaration# <u>5</u> # <u>6</u>



		Exhibit A (Part 1) to Declaration# <u>7</u> Exhibit A (Part 2) to Declaration# <u>8</u> Exhibit W to X to Declaration# <u>9</u> Exhibit Y and Z to Declaration)(McCormick, Brian) (Entered: 03/14/2006)
03/14/2006	<u>30</u>	STATEMENT of facts <i>in Opposition to Motion for Summary Judgment.</i> (McCormick, Brian) (Entered: 03/14/2006)
03/14/2006	<u>31</u>	AFFIDAVIT in Opposition <i>to Motion for Summary Judgment.</i> (McCormick, Brian) (Entered: 03/14/2006)
03/14/2006	<u>32</u>	MOTION for Summary Judgment by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Attachments: # <u>1</u> Certificate of Service) (McCormick, Brian) (Entered: 03/14/2006)
03/14/2006	<u>33</u>	MEMORANDUM in Support re <u>32</u> MOTION for Summary Judgment filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (McCormick, Brian) (Entered: 03/14/2006)
03/14/2006	<u>34</u>	STATEMENT of facts re <u>32</u> MOTION for Summary Judgment. (McCormick, Brian) (Entered: 03/14/2006)
03/14/2006	<u>35</u>	DECLARATION re <u>32</u> MOTION for Summary Judgment by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Attachments: # <u>1</u> Exhibit 1 (PART 1) to Declaration# <u>2</u> Exhibit 1 (Part 2) to Declaration# <u>3</u> Exhibit 2 to 4 to Declaration)(McCormick, Brian) (Entered: 03/14/2006)
03/16/2006		ElectronicClerk's Notes for proceedings held before Judge William G. Young : Motion Hearing held on 3/16/2006 re <u>22</u>

		MOTION for Summary Judgment filed by John Hancock Life Insurance Company,, <u>32</u> MOTION for Summary Judgment filed by Vestmont Limited Partnership,, Vestmont Limited Partnership II,, Vestmont Limited Partnership III,, Vesterra Corporation,. After hearing the Court takes the Motions UNDER ADVISEMENT. Final Pretrial Conference set for 3/30/2006 02:00 PM in Courtroom 18 before Judge William G. Young. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 03/17/2006)
03/17/2006	<u>36</u>	Judge William G. Young : ORDER entered. PROCEDURAL ORDER re pretrial/trial Final Pretrial Conference set for 3/30/2006 02:00 PM in Courtroom 18 before Judge William G. Young.(Smith, Bonnie) (Entered: 03/17/2006)
03/20/2006	<u>37</u>	Opposition re <u>32</u> MOTION for Summary Judgment ( <i>Cross-Motion for Partial Summary Judgment</i> ) filed by John Hancock Life Insurance Company. (Davis, Brian) (Entered: 03/20/2006)
03/20/2006	<u>38</u>	Judge William G. Young : ORDER entered. MEMORANDUM AND ORDER. "Accordingly, Hancock's Motion for Summary Judgment <u>22</u> is ALLOWED in Part and DENIED in Part. Vesterra's Cross Motion for Partial Summary Judgment <u>32</u> is DENIED." (Paine, Matthew) (Entered: 03/20/2006)
03/21/2006	<u>39</u>	TRANSCRIPT of Proceedings held on 3/16/06 before Judge Young. Court Reporter: Womack. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at womack@megatran.com or the Clerk's Office. (Smith, Bonnie) (Entered: 03/21/2006)
03/21/2006	<u>40</u>	REPORT of Alternative Dispute Resolution Provider. US Magistrate Judge Leo T. Sorokin reports that case did not settled. (See report).(Franklin, Yvonne) (Entered: 03/21/2006)
03/22/2006	<u>41</u>	MOTION for Leave to File <i>SECOND AMENDED COUNTERCLAIM</i> by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation.



		(Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> # <u>10</u> ) (Hillman, Robert) Modified on 3/22/2006 (Paine, Matthew). (Entered: 03/22/2006)
03/22/2006	●	Notice of correction to docket made by Court staff. Correction: Motion <u>41</u> For Leave to File Second Amended Counterclaim Corrected Because The Docket Text Was Entered Incorrectly as Second Amended Complaint. (Paine, Matthew) (Entered: 03/22/2006)
03/28/2006	● <u>42</u>	MEMORANDUM in Opposition re <u>41</u> MOTION for Leave to File <i>SECOND AMENDED COUNTERCLAIM</i> filed by John Hancock Life Insurance Company. (Davis, Brian) Modified on 3/29/2006 (Paine, Matthew). (Entered: 03/28/2006)
03/29/2006	● <u>43</u>	MEMORANDUM in Support re <u>41</u> MOTION for Leave to File <i>SECOND AMENDED COUNTERCLAIM</i> filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Hillman, Robert) (Entered: 03/29/2006)
03/29/2006	●	Judge William G. Young : Electronic ORDER entered re <u>41</u> Motion for Leave to File Second Amended Counterclaim. "Motion DENIED Save As to the Fraud Counterclaim Asserted Under Pennsylvania Law, Even Though This Claim May Well Be Vulnerable to a Motion to Dismiss." (Paine, Matthew) (Entered: 03/29/2006)
03/29/2006	● <u>44</u>	MOTION to Compel <i>Plaintiff to Comply with Defendants' Rule 30(b)(6) Deposition Notice</i> by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (McCormick, Brian) (Entered: 03/29/2006)
03/29/2006	● <u>45</u>	MEMORANDUM in Support re <u>44</u> MOTION to Compel <i>Plaintiff to Comply with Defendants' Rule 30(b)(6) Deposition Notice</i> filed by Vestmont Limited Partnership, Vestmont

		Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (McCormick, Brian) (Entered: 03/29/2006)
03/29/2006	46	DECLARATION re <u>44</u> MOTION to Compel <i>Plaintiff to Comply with Defendants' Rule 30(b)(6) Deposition Notice</i> by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Attachments: # <u>1</u> Exhibit A to B. McCormick Declaration in Support of Defendants' Motion to Compel# <u>2</u> Exhibit B to B. McCormick Declaration in Support of Defendants' Motion to Compel# <u>3</u> Exhibit C to B. McCormick Declaration in Support of Defendants' Motion to Compel# <u>4</u> Exhibit D to B. McCormick Declaration in Support of Defendants' Motion to Compel# <u>5</u> Exhibit E to B. McCormick Declaration in Support of Defendants' Motion to Compel# <u>6</u> Exhibit F to B. McCormick Declaration in Support of Defendants' Motion to Compel# <u>7</u> Exhibit G to B. McCormick Declaration in Support of Defendants' Motion to Compel# <u>8</u> Exhibit H to B. McCormick Declaration in Support of Defendants' Motion to Compel)(McCormick, Brian) (Entered: 03/29/2006)
03/30/2006	47	PRETRIAL MEMORANDUM by John Hancock Life Insurance Company. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Davis, Brian) (Entered: 03/30/2006)
03/30/2006		Judge William G. Young : Electronic ORDER entered re <u>44</u> Motion to Compel Plaintiff to Comply with Defendants' Rule 30 (b)(6) Deposition Notice. "Motion ALLOWED to the Extent of Precluding John Hancock from Proffering Any New Evidence on the Designated 30 (b)(6) Topics Not Testified To In Those Depositions." (Paine, Matthew) (Entered: 03/30/2006)
03/30/2006		ElectronicClerk's Notes for proceedings held before Judge William G. Young : Final Pretrial Conference held on



		3/30/2006. Court inquires as to settlement. Jury trial....5 days. If a Motion to Dismiss is filed, it will be heard 4/20/06 at 2PM. Court reviews the trial schedule. (Smith, Bonnie) (Entered: 03/31/2006)
04/03/2006	<u>48</u>	AMENDED DOCUMENT by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. ( <i>SECOND AMENDED COUNTERCLAIM</i> ). (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> )(Hillman, Robert) (Entered: 04/03/2006)
04/07/2006	<u>49</u>	MOTION for Reconsideration re <u>44</u> MOTION to Compel <i>Plaintiff to Comply with Defendants' Rule 30(b)(6) Deposition Notice</i> by John Hancock Life Insurance Company.(Davis, Brian) (Entered: 04/07/2006)
04/07/2006	<u>50</u>	AFFIDAVIT re <u>49</u> MOTION for Reconsideration re <u>44</u> MOTION to Compel <i>Plaintiff to Comply with Defendants' Rule 30(b)(6) Deposition Notice (Affidavit of Paul D. Popeo)</i> by John Hancock Life Insurance Company. (Attachments: # <u>1</u> Exhibit A (part I)# <u>2</u> Exhibit A (part II)# <u>3</u> Exhibit A (part III) # <u>4</u> Exhibit B (part I)# <u>5</u> Exhibit B (part II)# <u>6</u> Exhibit C# <u>7</u> Exhibit D# <u>8</u> Exhibit E (part I)# <u>9</u> Exhibit E (part II)# <u>10</u> Exhibit F (part I)# <u>11</u> Exhibit F (part II)# <u>12</u> Exhibit F (part III)# <u>13</u> Exhibit F (part IV)# <u>14</u> Exhibit F (part V)# <u>15</u> Exhibit F (part VI)# <u>16</u> Exhibit G (part I)# <u>17</u> Exhibit G (part II)# <u>18</u> Exhibit H# <u>19</u> Exhibit I# <u>20</u> Exhibit J# <u>21</u> Exhibit K)(Davis, Brian) (Entered: 04/07/2006)
04/07/2006	<u>51</u>	AFFIDAVIT re <u>49</u> MOTION for Reconsideration re <u>44</u> MOTION to Compel <i>Plaintiff to Comply with Defendants' Rule 30(b)(6) Deposition Notice (Affidavit of Brian A. Davis)</i> by John Hancock Life Insurance Company. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Davis, Brian) (Entered: 04/07/2006)
04/10/2006		Judge William G. Young : Electronic ORDER entered re <u>49</u> Motion for Reconsideration. "In Reconsideration, John Hancock May Be Relieved From the Preclusion Order to the Extent It Supplies, Within 10 Days of the Date of this Order, Affidavits to the Level of Esquisite Detail of a Patent Claim, as



		to Those Matters Sought in the 30(b)(6) Deposition from Knowledgeable Persons and Then Produces Such Persons for Deposition Forthwith." (Paine, Matthew) (Entered: 04/12/2006)
04/11/2006	<u>52</u>	First MOTION to Dismiss <i>Defendants' Counterclaim for Fraud Under Pennsylvania Law</i> by John Hancock Life Insurance Company.(Davis, Brian) (Entered: 04/11/2006)
04/11/2006	<u>53</u>	First MEMORANDUM in Support re <u>52</u> First MOTION to Dismiss <i>Defendants' Counterclaim for Fraud Under Pennsylvania Law</i> filed by John Hancock Life Insurance Company. (Davis, Brian) (Entered: 04/11/2006)
04/18/2006	<u>54</u>	MOTION to Compel <i>John Hancock to Produce Warren Thomson for Deposition</i> by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (McCormick, Brian) (Entered: 04/18/2006)
04/18/2006	<u>55</u>	DECLARATION re <u>54</u> MOTION to Compel <i>John Hancock to Produce Warren Thomson for Deposition</i> by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Attachments: # <u>1</u> Exhibit A to Declaration# <u>2</u> Exhibit B to Declaration# <u>3</u> Exhibit C to Declaration# <u>4</u> Exhibit D to Declaration# <u>5</u> Exhibit E to Declaration# <u>6</u> Exhibit F to Declaration# <u>7</u> Exhibit G to Declaration) (McCormick, Brian) (Entered: 04/18/2006)
04/18/2006	<u>56</u>	MEMORANDUM in Support re <u>54</u> MOTION to Compel <i>John Hancock to Produce Warren Thomson for Deposition</i> filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Attachments: # <u>1</u> Exhibit A to Declaration# <u>2</u> Exhibit B to Declaration# <u>3</u> Exhibit C to Declaration# <u>4</u> Exhibit D to Declaration# <u>5</u> Exhibit E to Declaration# <u>6</u> Exhibit F to Declaration# <u>7</u> Exhibit G to Declaration) (McCormick, Brian) (Entered: 04/18/2006)

		Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (McCormick, Brian) (Entered: 04/18/2006)
04/18/2006	57	MEMORANDUM in Opposition re <u>52</u> First MOTION to Dismiss <i>Defendants' Counterclaim for Fraud Under Pennsylvania Law</i> filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (McCormick, Brian) (Entered: 04/18/2006)
04/18/2006	58	DECLARATION re <u>57</u> Memorandum in Opposition to Motion,, by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L# <u>13</u> Exhibit M# <u>14</u> Exhibit N# <u>15</u> Exhibit O (Part 1)# <u>16</u> Exhibit O (Part 2))(McCormick, Brian) (Entered: 04/18/2006)
04/20/2006		ElectronicClerk's Notes for proceedings held before Judge William G. Young : Motion Hearing held on 4/20/2006 re <u>52</u> First MOTION to Dismiss <i>Defendants' Counterclaim for Fraud Under Pennsylvania Law</i> filed by John Hancock Life Insurance Company,, <u>54</u> MOTION to Compel <i>John Hancock to Produce Warren Thomson for Deposition</i> filed by Vestmont Limited Partnership,, Vestmont Limited Partnership II,, Vestmont Limited Partnership III,, Vesterra Corporation,. After hearing the Motion to Dismiss is ALLOWED. The Motion to Compel the deposition of Thompson is Allowed. The case is to empanel on Mon. May 1. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 04/21/2006)
04/24/2006	59	Emergency MOTION for Preliminary Injunction for <i>Relief Prohibiting Defendants from Violating Court-Mandated Escrow Agreement</i> by John Hancock Life Insurance Company. (Davis, Brian) (Entered: 04/24/2006)



04/24/2006	<u>60</u>	AFFIDAVIT of Brian A. Davis re <u>59</u> Emergency MOTION for Preliminary Injunction <i>for Relief Prohibiting Defendants from Violating Court-Mandated Escrow Agreement</i> by John Hancock Life Insurance Company. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H)(Davis, Brian) (Entered: 04/24/2006)
04/25/2006	<u>61</u>	AFFIDAVIT of Ivor Thomas <i>Filed In Response To Court Order of April 12, 2006</i> by John Hancock Life Insurance Company. (Davis, Brian) (Entered: 04/25/2006)
04/25/2006	<u>62</u>	AFFIDAVIT of Patricia Coyne <i>Filed Pursuant To Court Order of April 12, 2006</i> by John Hancock Life Insurance Company. (Davis, Brian) (Entered: 04/25/2006)
04/25/2006	<u>63</u>	AFFIDAVIT of Timothy J. Malik <i>Filed Pursuant To Court Order of April 12, 2006</i> by John Hancock Life Insurance Company. (Davis, Brian) (Entered: 04/25/2006)
04/25/2006	<u>64</u>	MEMORANDUM in Opposition re <u>59</u> Emergency MOTION for Preliminary Injunction <i>for Relief Prohibiting Defendants from Violating Court-Mandated Escrow Agreement</i> filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (McCormick, Brian) (Entered: 04/25/2006)
04/25/2006	<u>65</u>	DECLARATION re <u>64</u> Memorandum in Opposition to Motion,, <i>for Emergency Preliminary Injunctive Relief</i> by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(McCormick, Brian) (Entered: 04/25/2006)
04/26/2006	<u>66</u>	MEMORANDUM in Support re <u>59</u> Emergency MOTION for Preliminary Injunction <i>for Relief Prohibiting Defendants from Violating Court-Mandated Escrow Agreement (Reply</i>

		<i>Memorandum</i> ) filed by John Hancock Life Insurance Company. (Attachments: # <u>1</u> Exhibit A)(Davis, Brian) (Entered: 04/26/2006)
04/26/2006	<u>67</u>	AFFIDAVIT of Joan Uzdavinis <i>Filed Pursuant to Court Order of April 12, 2006</i> by John Hancock Life Insurance Company. (Davis, Brian) (Entered: 04/26/2006)
04/27/2006	<u>68</u>	Proposed Voir Dire by John Hancock Life Insurance Company. (Davis, Brian) (Entered: 04/27/2006)
04/27/2006	<u>69</u>	Proposed Voir Dire by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Hillman, Robert) (Entered: 04/27/2006)
04/28/2006	<u>70</u>	MOTION to Compel <i>Documents Relating to the Defendants' Sale of the Avenel Apartments Complex</i> by John Hancock Life Insurance Company. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Davis, Brian) (Entered: 04/28/2006)
04/28/2006	<u>71</u>	Proposed Jury Instructions by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Hillman, Robert) (Entered: 04/28/2006)
04/28/2006	<u>72</u>	Proposed Jury Verdict by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Hillman, Robert) (Entered: 04/28/2006)
04/28/2006	<u>73</u>	TRIAL BRIEF by John Hancock Life Insurance Company. (Davis, Brian) (Entered: 04/28/2006)



04/28/2006	<u>74</u>	MOTION for Summary Judgment <i>on Defendants' Counterclaim Under M.G.L. c.93A (Renewed Motion)</i> by John Hancock Life Insurance Company.(Davis, Brian) (Entered: 04/28/2006)
04/28/2006	<u>75</u>	MEMORANDUM in Support re <u>74</u> MOTION for Summary Judgment <i>on Defendants' Counterclaim Under M.G.L. c.93A (Renewed Motion)</i> filed by John Hancock Life Insurance Company. (Attachments: # <u>1</u> Exhibit A)(Davis, Brian) (Entered: 04/28/2006)
05/01/2006		Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler: Jury Empanelment held on 5/1/2006. 12 jurors empaneled and sworn. Court reporter: Donald Womack. (Duffy, Marc) (Entered: 05/01/2006)
05/01/2006		ElectronicClerk's Notes for proceedings held before Judge William G. Young : Jury Trial Day 1 held on 5/1/2006, Voir Dire held on 5/1/2006. Jury of 12 selected and sworn. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 05/01/2006)
05/01/2006	<u>76</u>	TRANSCRIPT of Proceedings held on 4/20/06 before Judge Young. Court Reporter: Womack. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at womack@megatran.com or the Clerk's Office. (Smith, Bonnie) (Entered: 05/01/2006)
05/01/2006	<u>77</u>	MOTION in Limine <i>to Exclude Any Evidence Pertaining to John Hancock's Compromise of Unrelated Claims Against Third-Parties</i> by John Hancock Life Insurance Company. (Attachments: # <u>1</u> Exhibit A)(Davis, Brian) (Entered: 05/01/2006)
05/01/2006	<u>78</u>	MOTION in Limine <i>to Exclude Evidence Pertaining to Defendants' Efforts to Lease the Avenel Apartment Complex</i> by John Hancock Life Insurance Company. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Davis, Brian) (Entered: 05/01/2006)
05/01/2006	<u>79</u>	MOTION in Limine <i>to Exclude Evidence Pertaining to the Contemplated Amendment of the Loan Commitment</i> by John Hancock Life Insurance Company. (Attachments: # <u>1</u> Exhibit A)(Davis, Brian) (Entered: 05/01/2006)
05/01/2006	<u>80</u>	MOTION in Limine <i>To Preclude Motive, Intent and Legal Significance/Testimony By Linda C. Spevacek</i> by John



		Hancock Life Insurance Company.(Davis, Brian) (Entered: 05/01/2006)
05/01/2006	<u>81</u>	TRIAL BRIEF by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (McCormick, Brian) (Entered: 05/01/2006)
05/01/2006	<u>82</u>	MOTION in Limine Pursuant to FRE 408 to Preclude Evidence of Offers of Compromise by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Attachments: # (1) Exhibit A through D) (McCormick, Brian) Additional attachment(s) added on 5/2/2006 (Paine, Matthew). (Entered: 05/01/2006)
05/01/2006	<u>83</u>	RESPONSE to Motion re <u>70</u> MOTION to Compel Documents Relating to the Defendants' Sale of the Avenel Apartments Complex and Cross-Motion in Limine to Exclude Evidence Related to the Negotiations for Sale and Sale Price of the Avenel Apartments filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (McCormick, Brian) (Entered: 05/01/2006)
05/01/2006	<u>84</u>	MOTION in Limine to Preclude the Introduction of Evidence by Plaintiff Contradicting the Plaintiff's Policies and Procedures Related to the "Closing Stage" that were Produced in This Litigation by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation.

		Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(McCormick, Brian) (Entered: 05/01/2006)
05/01/2006	<u>85</u>	Proposed Jury Instructions by John Hancock Life Insurance Company. (Popeo, Paul) Additional attachment(s) added on 5/2/2006 (Paine, Matthew). (Entered: 05/01/2006)
05/01/2006	<u>86</u>	Opposition re <u>74</u> MOTION for Summary Judgment <i>on Defendants' Counterclaim Under M.G.L. c.93A (Renewed Motion)</i> filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Attachments: # <u>1</u> Exhibit A)(McCormick, Brian) (Entered: 05/01/2006)
05/01/2006	<u>87</u>	MEMORANDUM in Opposition re <u>79</u> MOTION in Limine <i>to Exclude Evidence Pertaining to the Contemplated Amendment of the Loan Commitment</i> filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (McCormick, Brian) (Entered: 05/01/2006)
05/02/2006	<u>85</u>	Notice of correction to docket made by Court staff. Correction: <u>85</u> Proposed Jury Instructions and Verdict Form Corrected Because There Were Missing Pages in the Jury Instructions. (Paine, Matthew) (Entered: 05/02/2006)
05/02/2006		ElectronicClerk's Notes for proceedings held before Judge William G. Young :Counsel for plaintiff Joohn Hancock, Brian Davis and Howard Scher for the defendant Vestmont are present in the courtroom. Hearing out of presence of the jury re: motions in limine, motion to compel, motion for preliminary injunction. The Court DENIES without prejudice to their being renewed, all motions in limine; DENIES as MOOT the Motion for preliminary injunction, DENIES without prejudice, the motion to compel. The documents



		sought are subject to subpoena. Jury Trial Day 2 held on 5/2/2006. Court gives pretrial charge. Opening remarks by plaintiff and defendant. Plaintiff's evidence commences. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 05/02/2006)
05/02/2006	●	Notice of correction to docket made by Court staff. Correction: <u>82</u> Motion in Limine Pursuant to FRE 408 to Preclude Evidence of Offers of Compromise Corrected Because The Exhibits A-D Were Not Filed as Separate Attachments to the Motion. (Paine, Matthew) (Entered: 05/02/2006)
05/03/2006	●	Judge William G. Young : Electronic ORDER entered re <u>59</u> Motion for Preliminary Injunction for Relief Prohibiting Defendants from Violating Court-Mandated Escrow Agreement is " DENIED Upon the Express Representation By Defense Counsel that \$5,000,000.00 Has Been Set Aside, Unencumbered, and That It Has Been and Will Be Available to Satisfy a Judgment for Hancock in This Matter." (Paine, Matthew) (Entered: 05/03/2006)
05/03/2006	●	Judge William G. Young : Electronic ORDER entered re <u>70</u> Motion to Compel Documents Relating to the Defendants' Sale of the Avenel Apartments Complex is " DENIED Without Prejudice to Subpoenaing These Documents." (Paine, Matthew) (Entered: 05/03/2006)
05/03/2006	●	Judge William G. Young : Electronic ORDER entered re <u>74</u> Motion for Summary Judgment on Defendants' Counterclaim Under M.G.L. 93A (Renewed Motion) is DENIED as Untimely. (Paine, Matthew) (Entered: 05/03/2006)
05/03/2006	●	ElectronicClerk's Notes for proceedings held before Judge William G. Young : Attorney Davis for the plaintiff and attorney Scher for the defendant present in the courtroom. Jury Trial Day 3 held on 5/3/2006. Plaintiff's evidence continues. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 05/03/2006)
05/04/2006	●	ElectronicClerk's Notes for proceedings held before Judge William G. Young : Jury Trial Day 4 held on 5/4/2006. Counsel for Plaintiff: Brian Davis, counsel for Defendant: Howard Scher. Plaintiff's evidence continues. Plaintiff RESTS. Defendants' evidence commences. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 05/04/2006)
05/04/2006	● <u>88</u>	MEMORANDUM in Opposition re <u>80</u> MOTION in Limine To

		<i>Preclude Motive, Intent and Legal Significance/Testimony By Linda C. Spevacek</i> filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (McCormick, Brian) (Entered: 05/04/2006)
05/05/2006	●	ElectronicClerk's Notes for proceedings held before Judge William G. Young : Jury Trial Day 5 held on 5/5/2006. Defendant's evidence continues. Defendants Rest. Plaintiff will recall witness McCole on Monday prior to the charge and closings.Plaintiff moves for a directed verdict on 93A claim. Court hears argument out of presence of the jury. Motion is Allowed. Charge conference held. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 05/05/2006)
05/05/2006	●89	Plaintiff John Hancock's MOTION for Judgment as a Matter of Law on Plaintiff's Breach of Contract Claim and Defendants' M.G.L. 93A Counterclaim by John Hancock Life Insurance Company.(Paine, Matthew) (Entered: 05/08/2006)
05/08/2006	●	Motions terminated: 89 Plaintiff John Hancock's MOTION for Judgment as a Matter of Law on Plaintiff's Breach of Contract Claim and Defendants' M.G.L. 93A Counterclaim filed by John Hancock Life Insurance Company. Motion was ALLOWED in Open Court See Clerk Notes Dated 5/5/2006. (Paine, Matthew) (Entered: 05/08/2006)
05/08/2006	●	ElectronicClerk's Notes for proceedings held before Judge William G. Young : Jury Trial Day 6 completed on 5/8/2006. Plaintiff's rebuttal evidence commences and concludes. Court charges jury as to the law. Closing arguments by defendant,by plaintiff. Jury commences deliberations. Jury questions #3,#4 asked and answered. Jury returns VERDICT for the Plaintiff and asesess damages in the amount of \$2.64 million. (Court Reporter Womack.) (Smith, Bonnie) (Entered: 05/09/2006)
05/08/2006	●91	JURY VERDICT in favor of Plaintiff against Defendants. (Smith, Bonnie) (Entered: 05/09/2006)
05/09/2006	●90	Exhibit/Witness List by all parties.. (Smith, Bonnie) (Entered: 05/09/2006)

05/09/2006	<u>92</u>	Letter (non-motion) from Howard D. Scher In Regards to Jury Instructions Relating to Damages. (Paine, Matthew) (Entered: 05/09/2006)
05/11/2006	<u>93</u>	Judge William G. Young : ORDER entered. JUDGMENT in favor of Plaintiff against Defendant(Smith, Bonnie) (Entered: 05/11/2006)
05/18/2006	<u>94</u>	MOTION to Alter Judgment <i>to Conform to the Parties' Agreement and the Court's Instructions During Trial</i> by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(McCormick, Brian) (Entered: 05/18/2006)
05/19/2006	<u>95</u>	Opposition re <u>94</u> MOTION to Alter Judgment <i>to Conform to the Parties' Agreement and the Court's Instructions During Trial</i> filed by John Hancock Life Insurance Company. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Davis, Brian) (Entered: 05/19/2006)
05/19/2006	<u>96</u>	REPLY to Response to Motion re <u>94</u> MOTION to Alter Judgment <i>to Conform to the Parties' Agreement and the Court's Instructions During Trial</i> filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B) (McCormick, Brian) (Entered: 05/19/2006)
05/25/2006	<u>97</u>	MOTION for Attorney Fees by John Hancock Life Insurance Company.(Davis, Brian) (Entered: 05/25/2006)
05/25/2006	<u>98</u>	MEMORANDUM in Support re <u>97</u> MOTION for Attorney Fees filed by John Hancock Life Insurance Company. (Davis, Brian) (Entered: 05/25/2006)
05/25/2006	<u>99</u>	AFFIDAVIT of Brian Davis re <u>97</u> MOTION for Attorney Fees, <u>98</u> Memorandum in Support of Motion by John Hancock



		Life Insurance Company. (Attachments: # <u>1</u> Exhibit 1--part I# <u>2</u> Exhibit 1--part II# <u>3</u> Exhibit 2# <u>4</u> Exhibit 3# <u>5</u> Exhibit 4--part I# <u>6</u> Exhibit 4--part II# <u>7</u> Exhibit 5)(Davis, Brian) (Entered: 05/25/2006)
06/01/2006	● <u>100</u>	MEMORANDUM in Opposition re <u>97</u> MOTION for Attorney Fees filed by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation. (Attachments: # <u>1</u> Exhibit A)(McCormick, Brian) Modified on 6/2/2006 (Paine, Matthew). (Entered: 06/01/2006)
06/02/2006	●	Notice of correction to docket made by Court staff. Correction: <u>100</u> RESPONSE to Motion <u>97</u> Motion for Attorney Fees Corrected Because The Response Filed Was Actually a Memorandum of Law in Opposition. The Docket Text Was Changed to Reflect The Filing of a Memorandum of Law In Opposition. (Paine, Matthew) 6/2/2006 (Entered: 06/02/2006)
06/06/2006	●	Judge William G. Young : Electronic ORDER entered GRANTING <u>94</u> Motion to Alter Judgment to Conform to the Parties' Agreement and the Court's Instructions During Trial. (Paine, Matthew) (Entered: 06/06/2006)
06/06/2006	● <u>101</u>	REPLY to Response to Motion re <u>97</u> MOTION for Attorney Fees filed by John Hancock Life Insurance Company. (Davis, Brian) (Entered: 06/06/2006)
06/06/2006	● <u>102</u>	AFFIDAVIT in Support re <u>101</u> Reply to Response to Motion. (Davis, Brian) (Entered: 06/06/2006)
06/07/2006	● <u>103</u>	Judge William G. Young : Electronic ORDER entered re <u>97</u> Motion for Attorney Fees. (Paine, Matthew) (Entered: 06/07/2006)
06/09/2006	● <u>104</u>	Judge William G. Young : ORDER entered. AMENDED JUDGMENT in favor of Plaintiff against Defendants in the amount of \$1,680,000. cc/cl(Smith, Bonnie) (Entered: 06/09/2006)
06/09/2006	● <u>105</u>	MOTION for Reconsideration or Clarification of the Court's June 7, 2006 Order Regarding Attorneys' Fees by John Hancock Life Insurance Company.(Davis, Brian) (Entered: 06/09/2006)
06/12/2006	●	Judge William G. Young : Electronic ORDER entered re <u>105</u>

		Motion for Reconsideration or Clarification of the Court's June 7, 2006 Order Regarding Attorneys' Fees is DENIED. (Paine, Matthew) (Entered: 06/12/2006)
06/14/2006	● <u>106</u>	MOTION for Reconsideration re <u>103</u> Order on Motion for Attorney Fees by all defendants.(McCormick, Brian) (Entered: 06/14/2006)
06/15/2006	●	Judge William G. Young : Electronic ORDER entered DENYING <u>106</u> MOTION for Reconsideration re <u>103</u> Order on Motion for Attorney Fees by All Defendants. (Paine, Matthew) (Entered: 06/15/2006)
06/29/2006	● <u>107</u>	NOTICE OF APPEAL by Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III, Vesterra Corporation, Vesterra Corporation. \$ 455 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 7/19/2006. (Hillman, Robert) (Entered: 06/29/2006)
06/29/2006	●	Filing fee: \$ 455.00, receipt number 73425 for <u>107</u> Notice of Appeal. (Paine, Matthew) (Entered: 06/29/2006)